

REMARKS/ARGUMENTS

This amendment is in response to the Final Office Action of December 26, 2007. Claims 1-14 are pending in the present application. Claims 1-14 have been rejected. Claims 1, 5, 8, and 11 have been amended to further define the scope and novelty of the present invention, as well as to correct typographical and grammatical errors in order to place the claims in condition for allowance. Support for the amendments to the claims is found on page 5, lines 9-14. Applicants respectfully submit that no new matter has been presented. Claims 1-14 remain pending. For the reasons set forth more fully below, Applicants respectfully submit that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

In the event, however, that the Examiner is not persuaded by Applicants' arguments, Applicants respectfully request that the Examiner enter the arguments to clarify issues upon appeal.

Rejections Under 35 U.S.C. §112

Examiner Stated:

Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) content subject matter, i.e., the telephone provides a three-way call recited on claims 1 (lines 5-6), 5 (lines 3-4), 8 (line 5) and claim 11 (lines 4-5), which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention...

The Examiner requested clarification with regard to the section in the specification that states that "the telephone 100 performs a flash-hook (i.e., goes

off hook), which initiates three-way call through line 102 of the voice mailbox 4", the called party at telephone 100 and the calling party at telephone 1", via step 304." The Examiner asked for clarification about support for "three-way call."

Page 4, lines 11-19, states:

called party at telephone 100 sets voice mail to pick up after a predetermined number of rings, in this case, two rings, via step 302. Next, the "the telephone 100 performs a flash-hook (i.e., goes off hook), which **initiates three-way call** through line 102 of the voice mailbox 4", the called party at telephone 100 and the calling party at telephone 1", via step 304. When the voice mailbox 4" picks up again, the **telephone joins the three parties (calling party at telephone 1", voice mailbox 4", and called party at telephone 100)**, via step 306. (Emphasis added).

Applicants respectfully submit that by stating that the telephone initiates a "three-way call through line 102 of the voice mailbox 4", the called party at telephone 100 and the calling party at telephone 1" and that the telephone "joins the three parties (calling party at telephone 1", voice mailbox 4", and called party at telephone 100)," it is clear that a three-way call is a call where the three entities (calling party at telephone 1", voice mailbox 4", and called party at telephone 100) are joined.

The Examiner pointed out that the standard definition of a three-way call is "A local phone company feature that allows a phone user to add another user to an existing conversation and have a three party conference call" and that the

"definition states that it is the phone company with the switching system to PROVIDE a three-way call and bridge (JOIN) three parties together in the conference call." However, the present invention is not implementing a standard three-way call. Instead, the present invention is implementing a "three-way call," where the telephone joins the calling party, the called party, and the voice mailbox. This is different from a standard three-way call, where the phone company with the switching system joins three parties together.

The Examiner also requested clarification as to how the telephone can perform a flash-hook, which initiates a three-way call, provide a three-way call, and join the three parties. Page 4, lines 11-19, of the specification describes that the "telephone 100 performs a flash-hook." This is a step that initiates the three-way call. This is consistent with the step where the "telephone joins the three parties" to provide the three-way call. Furthermore, Figure 3 of the specification shows that the three parties are joined at the switch. Page 4, lines 1-11, states that the telephone includes "an algorithm therewithin for causing the telephone 100 to set up a three-way call to allow for the voice mail screening operation." The Examiner stated that the original specification fails to technologically describe how the telephone automatically generates an outgoing call to the voice mailbox or the three-way call. However, these sections of the specification clearly describe how the telephone provides the three-way call.

The Examiner stated that "[i]f the claim would like to recite the telephone terminal generates a second call to the voice mailbox after the first call routed to the voice mailbox and joins/bridges the first call and the second call together

inside the telephone terminal" and further stated that "the original specification does not teach such feature." The Examiner further asked "[h]ow can the telephone terminal join the two calls together?" and "[i]f the voice mailbox/switch perform the bridge, how do they know these two particular calls need to be bridged?" Applicants do not understand this paragraph. The claims are not claiming that "the telephone terminal generates a second call to the voice mailbox after the first call routed to the voice mailbox and joins/bridges the first call and the second call together inside the telephone terminal" as the Examiner mentions.

Rejections Under 35 U.S.C. §102

Examiner Stated:

Claims 1-14, as best understood in light of the 35 U.S.C. 112, first paragraph rejections under 35 U.S.C. 102(e) as being anticipated by Foldare et al. (U.S. Patent 5,960,064).

Regarding claims 1, 5, 8 and 11, Foldare teaches a telephone system has a switching system for receiving a call from a calling party (abstract; col. 2, lines 13-16, col. 8, lines 19-22) and

Foldare further teaches a voice messaging system [i.e., voice mailbox] coupled to the switching system for receiving the call if a called party does not place a return telephone call after expiration of a predetermined time period (abstract; fig. 1; col. 2, lines 21-23, col. 8, lines 24-48). Since the called party does not return the telephone call within the predetermined time period, it is clear that the called party does not answer the call.

Foldare further teaches a telephone for receiving the call from the called party, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox (col. 2, lines 23-30, col. 8, lines 40-57).

Foldare further teaches wherein the called party's telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox (col. 2, lines 23-30, col. 8, lines 59-62). ...

Applicants respectfully traverse the Examiner's rejections. The present invention provides a telephone system. In accordance with the present

invention, the system includes a switching system for receiving a call from a calling party and a voice mailbox coupled to the switching system for receiving the call if a called party does not answer the call. The system also includes a telephone for receiving the call from the calling party, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the three-way call between the calling party and the voice mailbox, wherein the telephone comprises an option key that enables a user to turn on or turn off voice mail screening, and wherein the telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox. Foladare does not teach or suggest these features, as discussed below.

Foladare

Foladare discloses system and method for providing personal communications services. A bridging and signaling unit implements a bridge for connecting telephone calls between a caller, a called party, and an alternate destination. A caller who calls the personal telephone number associated with a called party is held at the bridging and signaling unit while waiting for a return telephone call from the called party. The called party is alerted to the existence of the call through a paging system. If the time period during which the caller is on hold exceeds a timeout period, the caller will be connected to an alternate destination, such as a secretary, an answering service, or a voice messaging system. If the called party places the return telephone call while the caller is

connected to the alternate destination, the called party will be connected to the caller and the alternate destination in such a manner that the called party can hear the conversation between the caller and the alternate destination, but the caller and the alternate destination cannot hear the called party and do not know that the called party has connected, i.e., the called party is on mute mode. After screening the call, the called party may then indicate that he/she wishes to be connected to the caller, at which time the connection to the alternate destination is terminated and the caller and the called party are connected such that they can speak with each other. If the called party does not wish to speak to the caller, he/she may hang up, and the connection between the caller and the alternate destination may continue. (Abstract.)

However, Foladare does not teach or suggest the telephone, wherein the "telephone comprises an option key that enables a user to turn on or turn off voice mail screening," as recited in amended independent claims 1, 5, 8, and 11. Nowhere does Foladare teach or suggest this feature. Referring to Figure 1 of Foladare, the telephone 125 of the recipient user is a generic telephone with generic number keys and no option key that enables a user to turn on or turn off voice mail screening. Column 8, lines 5-8, of Foladare teaches that a "telecommunications carrier routes the call to bridging and signaling unit 109," and the column 3, lines 30-33, of Foladare state that a bridging and signaling unit 109 "implements a so-called 'meet-me bridge' for connecting at least two incoming telephone calls to each other." Clearly, the voice mail screening operations of Foladare are being performed by the bridging and signaling unit

109. Nowhere does Foladare teach or suggest that the telephone of the recipient user has an option key that enables a user to turn on or turn off voice mail screening functions of the bridging and signaling unit 109.

Furthermore, Foladare also does not teach or suggest the telephone, wherein the "telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the three-way call between the calling party and the voice mailbox," as recited in independent claims 1, 5, 8, and 11.

The Examiner has referred to column 2, lines 23-30, and column 8, lines 40-57, of Foladare as teaching this feature. However, nowhere do these sections of Foladare teach or suggest that the called party provides bridging. Column 2, lines 23-30, of Foladare teaches that the called party will be connected to the caller and the alternate destination. The user's telephone does not providing this connection. Instead, column 8, lines 5-8, of Foladare teach that a "telecommunications carrier routes the call to bridging and signaling unit 109." Furthermore, column 3, lines 30-33, of Foladare states that a bridging and signaling unit 109 "implements a so-called 'meet-me bridge' for connecting at least two incoming telephone calls to each other." In other words, Foladare teaches that these functions are automatically performed not by the users telephone but instead by the telecommunications carrier and the bridging and signaling unit 109. Furthermore, Abstract and column 7, line 52, to column 8, line 62 of Foladare also describe the bridging and signaling unit 109 as performing the bridging functions. These sections of Foladare clearly teach away from the

telephone of the called party providing a three-way call, as in the present invention.

Therefore, Foladare does not teach or suggest the cooperation of elements as recited in amended independent claims 1, 5, 8, and 11, and these claims are thus allowable over Foladare.

Dependent claims

Dependent claims 2-4, 6-7, 9-10, and 12-14 depend from amended independent claims 1, 5, 8, and 11, respectively. Accordingly, the above-articulated arguments related to amended claims 1, 5, 8, and 11 apply with equal force to claims 2-4, 6-7, 9-10, and 12-14, which are thus allowable over the cited reference for at least the same reasons as amended claims 1, 5, 8, and 11.

CONCLUSION

Applicants' attorney believes this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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/Joseph A. Sawyer, Jr./
Joseph A. Sawyer, Jr.
Reg. No. 30,801

Customer Number 29141
(650) 493-4540
(650) 493-4549